

**RIO DELL CITY COUNCIL
REGULAR MEETING
JANUARY 18, 2011
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Barsanti, Leonard, Marks, and Thompson

Others Present: City Manager Henrickson, Chief of Police Hill, Finance Director Beauchaine, Acting Public Works Director Jensen, and City Clerk Dunham

CLOSED SESSION

REAL PROPERTY NEGOTIATIONS Property: Monument Springs (Disposition) Agency Negotiator: Ron Henrickson, City Manager (Government Code Section 54956.8)

CONFERENCE WITH LABOR NEGOTIATOR: the City's Designated Representative City Manager, Ron Henrickson, concerning Unrepresented Employees, Rio Dell Employees Association, and Rio Dell Police Officers Association (Government Code Section 54957.6)

Mayor Woodall announced the items to be discussed in closed session and asked for public comment. There being no public comment, the council adjourned to closed session at 5:30 P.M.

The regular meeting reconvened at 6:30 P.M. Mayor Woodall announced there was no reportable action taken in closed session.

CEREMONIAL

Certificate of Appreciation to Councilmember Mike Dunker

Mayor Woodall presented Councilmember Dunker with a Certificate of Appreciation which read *"Certificate of Appreciation Presented to Mike Dunker in Grateful Appreciation and Sincere Thanks for your Faithful Service and Commitment to the City of Rio Dell Serving as City Council Member from December 17, 2002 – January 4, 2011."*

Mr. Dunker stated that his time as a council member was very educating and that it was a pleasure serving the citizens of Rio Dell. He wished the City Council well with its future endeavors.

CONSENT CALENDAR

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Mayor Woodall announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Councilmember Marks asked that Items 4, 9 and 11 be removed from the consent calendar for separate discussion under *Special Call Items*.

Motion was made by Marks/Thompson to approve the consent calendar including approval of minutes of the December 14, 2010 special meeting; minutes of the January 4, 2011 regular meeting; approval of the Release of Retention to K. G. Walters Co., Inc. in the amount of \$174,409.67 for work related to the Solids and disinfection Management Project; ratifying the appointment of Mayor and Mayor Pro Tem; approval of Progress Pay Request No. 4 (Final Pay Request) for Mercer Fraser Co. which included Release of Retention in the amount of \$54,844.19 for work related to the Wildwood Ave. Paving and Pedestrian Improvement Project; approval of Resolution No. 1103-2011 rededicating a source of revenue for repayment of the State Revolving Fund Loan Project No. C-06-7401-110; approval of appointments to fill the three vacancies on the Rio Dell Planning Commission; and approval of Progress Pay Request No. 2 from Wendt Construction Co., Inc. in the amount of \$36,001.72 for work related to the Fireman's Park Improvement Project.

Motion carried 5-0; Councilmembers Barsanti and Leonard abstained from vote on the Minutes of December 14, 2010.

SPECIAL PRESENTATIONS

Humboldt Waste Management Authority – Jim Test

City Manager Henrickson stated Mr. Test was invited, at the request of Councilmember Marks, to provide a brief presentation on matters concerning Humboldt Waste Management Authority (HWMA).

Mr. Test began by providing background of his involvement with HWMA and said in 2008-09 when the economy flipped and prices increased there was concern among cities regarding the cost of processing recycled materials. As a result Requests for Proposals (RFP'S) were sent out in August for recycling processing. Proposals were received from two agencies; Arcata Community Recycling Center; and Renewable Waste Systems from Ukiah. He said a panel consisting of the County Public Works Director, City of Eureka, City of Arcata and HWMA reviewed the proposals. The cost proposals were scored with a possible 100 points with Renewal Waste Systems scoring 75.5 points and ACRC scoring 53.8.

Councilmember Marks as the representative on the HWMA Board said she would like the Council updated from time to time on HWMA matters since garbage rates could potentially be affected depending on what decisions are made.

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Chuck Schager from Eel River Disposal said they did not submit a proposal at the time the RFP's went out because they were not prepared however, they are now in the process of building a new facility and said he would like the Council to consider supporting a contract with ACRC.

Mr. Test also said that HWMA looked at two other options which were to purchase the Samoa facility or to build a new facility. He said the Board voted to not purchase the Samoa facility and to come back in February with four options: 1) continue business as usual; 2) negotiate with one of the proposers; 3) begin a feasibility study for a new facility; or 4) reject both proposals and go back out for RFP's.

After further discussion, City Manager Henrickson pointed out that it is not up to the City Council to vote on which option to proceed with but the responsibility of Councilmember Marks as a representative on the HWMA Board.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1102-2011 Repealing Resolution No. 770 and Adopting a Revised Water Bill Claim Adjustment Policy

City Clerk Dunham stated the Water Bill Claim Adjustment Policy was placed on the January 4, 2011 agenda for discussion purposes. At that time, the City Council directed staff to bring back a draft resolution reflecting the recommended revisions as discussed. She reported the three changes to the current policy were as follows:

- The maximum adjustment amount will be capped at \$100.00.
- "Vandalism" will be eliminated as a consideration for adjustment.
- The claim will only be considered if the claimant is current with payment of his/her monthly water bill as of the date of submittal.

Councilmember Marks asked for the definition of "current" in regard to a customer account; City Manager Henrickson clarified that any unpaid balance over 30 days would not be considered current.

Motion was made by Thompson/Leonard to approve Resolution No. 1102-2011 *Repealing Resolution No. 770 and Adopting a Revised Water Bill Claim Adjustment Policy*. Motion carried 5-0.

Public Hearing/Approve Urgency Ordinance No. 271-2011 Establishing a Reserve Police Officer Unit to Supplement and Assist Regular Sworn Police Officers in their Duties Within the City of Rio Dell

Chief of Police Hill explained that the City Manager researched the current ordinance (Ordinance 25) that establishes a Reserve Police Officer Program and discovered that it is outdated and does not conform to current law. As a result, staff was directed to draft a new

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ordinance as an urgency measure since the Police Department is currently operating with one Reserve Police Officer and would not be able to use that officer in the case of an emergency without having a legal ordinance in place, therefore placing the public at increased risk and increasing the liability of the City.

A public hearing was opened at 7:40 P.M. to receive public comment on the proposed ordinance.

John Coleman asked what the budgetary impact would be to the City; Chief Hill explained there would be associated costs for firearms, equipment, uniforms and workers' compensation.

Al Petrovich asked about the possibility of using community volunteers; Chief Hill stated community volunteers could be utilized although they would have a different level of authority. He then explained the differences between a Level I, II or III Reserve Officer and stated that a Level I has basically the same powers as a regular sworn officer; a Level II has less training and is required to work with a regular sworn officer except when transporting prisoners; and a Level III Reserve is similar to a Level II with a few more restrictions.

There being no further public comment, the public hearing closed at 7:43 P.M.

Motion was made by Thompson/Marks to approve Ordinance No. 271-2011 *Establishing a Reserve Police Officer Unit to Supplement and Assist Regular Sworn Police Officers in Their Duties Within the City of Rio Dell and Repealing Ordinance No. 25*. Motion carried 5-0.

Motion was made by Woodall/Marks to add an unlisted item to the agenda titled "Approve Resolution No. 1104-2011 SWRCB Authorized Representative Resolution" pursuant to Government code Section 54954.2 (b.2) because the need to take action arose subsequent to the agenda having been posted. Motion carried 5-0.

Approve Resolution No. 1104-2011 – SWRCB Authorized Representative Resolution

Finance Director Beauchaine explained that she and the City Manager were in conversations with the State Water Resources Control Board (SWRCB) staff today and learned that one of the open items necessary to move forward with the legal review of the City's funding package on the Wastewater Facility and Effluent Disposal Project is to approve a resolution naming the City Manager or Finance Director as authorized representatives to act on the City's behalf in regard to the financial assistance agreement with the SWRCB.

Motion was made by Marks/Leonard to approve Resolution No. 1104-2011 SWRCB Authorized Representative Resolution. Motion carried 5-0.

Motion was made by Woodall/Leonard to add an unlisted item to the agenda titled "Approve Resolution No. 1105-2011 SWRCB Reimbursement Resolution of the City of Rio Dell" pursuant to Government Code Section 54954.2 (b.2) because the need to take action arose subsequent to the agenda having been posted. Motion carried 5-0.

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Approve Resolution No. 1105-2011 SWRCB Reimbursement Resolution of the City of Rio Dell
Finance Director Beauchaine stated this is essentially another requirement as part of the funding application for the Wastewater Facility and Effluent Disposal Project and the resolution provides for reimbursement to the City for expenditures incurred prior to receiving funds from the State.

Motion was made by Leonard/Barsanti to approve Resolution No. 1105-2011 SWRCB Reimbursement Resolution of the City of Rio Dell. Motion carried 5-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Ratify the Mayor's Appointments and Alternates to External Boards/Committees/Commissions
Councilmember Marks noted that Humboldt Waste Management Authority meetings were held on the 3rd Thursday at 6:30 P.M. rather than 7:00 P.M. as stated on the schedule.

Mayor Woodall announced some changes to the proposed list of appointments.

Motion was made by Marks/Thompson to ratify the Mayor's appointments and alternates to the external organizations and internal advisory bodies as follows:

CITY COUNCIL BOARD/COMMITTEE/COMMISSION ASSIGNMENTS

	<u>Appointee</u>	<u>Alternate</u>
Humboldt County Association of Governments (HCAOG)	Woodall	Leonard
Humboldt County Convention & Visitors Bureau Meets Quarterly for lunch (various locations)	Woodall	Leonard
Humboldt County Waste Management Authority (HCWMA)	Marks	Leonard
Humboldt Transit Authority (HTA)	Woodall	Leonard
League of California Cities (Redwood Empire Division) (LOCC)	Woodall	Marks
Redwood Region Economic Development Commission (RREDC)	Leonard	Marks
Local Agency Formation Commission (LAFCO)	Thompson (unofficial rep.)	

Redwood Coast Energy Authority	Thompson	Leonard
Humboldt/Del Norte Hazardous Response Authority	Woodall	Leonard

Internal Committees

Traffic Committee	Barsanti	Marks
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Motion carried 5-0

Approve Revised Bikeway Plan

City Manager Henrickson explained that the County is in the process of updating the master bikeway plan and has asked the City to make any necessary changes to the existing plan. He said based on input from the engineer and staff, it is recommended that improvements to Davis Street be ranked first, Bellevue Ave. second and Ireland Ave. third. He pointed out that although the City does not expect to receive any funding to address this project in the near future, priorities should still be established.

Motion was made by Marks/Leonard to approve the proposed Bikeway Plan. Motion carried 5-0.

Approve Fireman's Park Improvement Project Contract Amendment for Upgrade of the Water Line from ¾" to a 2"

City Manager Henrickson stated it recently came to his attention that the water line going into the bathrooms at the Fireman's Park was a ¾ inch line however in order to meet the water flow demand associated with the design of the bathrooms, a 2 inch line is needed.

A bid estimate for the upgrade was presented from Wendt Construction in the amount of \$3,210.00 which did not include allowance for prevailing wage.

Councilmember Thompson asked if the additional work was covered by the Parks Grant; City Manager Henrickson stated it would be included in the project costs.

Motion was made by Thompson/Leonard authorizing the City Manager to sign the Rio Dell Fireman's Park Improvement Project Contract Amendment with Wendt Construction Co., Inc. to upgrade the water service line from a ¾ inch to a 2 inch water line as recommended by the City Engineer for a total cost not to exceed \$5,000. Motion carried 4-1.

Public Hearing – Compensation Committee Report

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City Manager Henrickson stated at the January 4, 2011 regular meeting, the Council received a power point presentation on *The Rio Dell Compensation Committee Final Report* and at that time scheduled a public hearing for this meeting to solicit public comment on the report. He said two additional meetings were held with approximately two dozen community members which he felt were very productive.

The public hearing was opened at 8:02 P.M. to receive public comment on the report.

Nita Waters asked how long the report was; City Manager Henrickson stated the report included 58 pages and noted that it was placed on the City website for public review.

John Coleman stated that he read the report which included several options for restructuring City government and said it became clear to him that aggressive changes need to be made to begin addressing the many issues facing the City. One option noted in the report would be to dis-incorporate the City and go back to being part of the County which in his opinion was not a viable option. He commented on the City's aging infrastructure and lack of revenue to address those problems and said the report identifies ways to accomplish serious issues facing the community. He supported the concept of a reduction in City staff and pointed out that this was a short term (2-3 year) plan.

Sharon Wolfe said she appreciated the opportunity to attend the community meetings since she did not see the report on the City's web site. She agreed that drastic changes were needed to turn the City around and commented that Rio Dell has the least walk able streets in the County. She said she agreed with the plan provided citizens are confident that the money collected for infrastructure improvements will be used as intended. She questioned the use of HUD money that was intended for housing rehabilitation and reiterated that there needs to be more accountability.

Al Petrovich stated he would like more time to review the report and cautioned that anytime the word "crisis" is used, the public tends to react. He referred to the wage comparisons used by CPS in their report and pointed out that we have had a "ballooned economy inflated beyond belief" and said the City should look at the private sector when setting value to positions. He said he did not want Rio Dell to end up like other cities with over-inflated wages. He recommended the Council approach the situation very cautiously and takes no action regarding the report to allow for further review.

John Coleman pointed out that the median salary range was set at 85% which was a fair place to start, and noted with less staff there will be more responsibilities.

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It was suggested by the public that the City work on ways to get more information out to citizens such as through the media, a message on the water bills or in the Rio Dell-Scotia Newsletter. City Manager Henrickson commented that the local newspapers were used for noticing meetings on the proposed Scotia annexation and very few citizens came to the meetings. He said he was however, pleased with the response of the two community meetings.

John Coleman said he talked to approximately 30 citizens regarding the meeting tonight and not one of those people was in the audience.

Al Petrovich said he didn't see the urgency in making a decision tonight; City Manager Henrickson commented that something should have happened long before now.

There being no further public comment, the public hearing closed at 8:21 P.M.

Councilmember Marks commented that Rio Dell is comprised of over 50% rentals and with establishment of a rental inspection program rental properties will be required to be inspected and pass a Life-Safety inspection before they can be occupied again which will be instrumental in bringing up property values and turning the City around. She said she gave this plan a lot of thought and did not take this situation lightly. She said although she does not want to see jobs affected, the City is sinking and most of the General Fund revenue goes to support police activities. She said she is willing to take a chance and take the necessary steps to try and turn the City around.

Councilmember Barsanti said the proposed plan will benefit all Rio Dell citizens and pointed out that for a number of years the City has simply been "running in place" and it's now time to move in another direction.

John Coleman made the point that the City Manager and City Council has the authority to make changes in personnel without a vote of the citizens however when it comes to infrastructure improvements involving a bond issue, there will need to be public involvement.

Alice Millington said she read in the report where property values will increase with the proposed changes and said she disagreed. She said that is a pipe dream and urged the Council to not let that be a measuring stick when making their decision.

Councilmember Thompson noted that all of the employees were interviewed by CPS and new job descriptions were created to more closely reflect actual duties performed.

Consensus of the Council was to direct the City Manager to move forward with labor negotiations.

PUBLIC PRESENTATIONS

Tim Marks addressed the council regarding the HOME Housing Rehabilitation Program and problems associated with the process. He said he had applied for a loan for his mother and felt the application process was terrible. In addition, he said the representatives at RCAA were very difficult to reach. He commented that it would be nice to have a more "user friendly" system to make the loans more attractive to homeowners.

City Manager Henrickson stated the HOME Program application process is much more difficult than the CDBG Program. He encouraged citizens to contact the City if they incur problems with the program.

Al Petrovich thanked the City Council for adopting the Ordinance establishing a moratorium on installation of Smart Meters. He then extended an open invitation for citizens to come to the Veteran's Building on February 5th at 7:00 P.M. to hear a presentation on 10th Amendment Rights.

Alice Millington stated that she learned that installation of the Smart Meters was not mandated by the CPUC as PG&E stated but they did approve the program.

REPORTS/STAFF COMMUNICATIONS

Finance Director Beauchaine reported on recent activities in the finance department and stated she had received the completed CDBG loan portfolio; and said she was pleased to report that the City finally received the remaining \$243,000 owed to the City from the State as part of the Water Infrastructure Project completed in 2008.

Chief of Police Hill reported on recent activities in the police department stating he received the new light units for the vehicles as part of the Homeland Security Grant, and said he met with a resident who would like to see a program where the City works with local churches to provide assistance to transients and citizens in need as was done in the past.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson reported that Ferndale City Manager Jay Parrish was appointed as Chair to RCEA and Linda Atkins as Co-Chair.

Councilmember Marks announced that she was appointed as Co-Chair on the HWMA Board.

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Mayor Woodall congratulated Alice Millington and Andrew Gonzales on their re-appointment to the Planning Commission and to Gordon Johnson on his appointment.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 8:48 P.M. to the February 1, 2011 regular meeting.

Attest:

Julie Woodall, Mayor

Karen Dunham, City Clerk